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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,880

01/20/2004

Stuart V. Holsten

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LOCKE LIDDELL & SAPP LLP

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HOUSTON, TX 77002

EXAMINER

LEE, KYUNG S

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,880

Applicant(s)

HOLSTEN, STUART V.

Examiner

Richard K. Lee

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 2-3,5-6,15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7, 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothbauer et al. (6,720,512).

3. Rothbauer et al. teaches a switch assembly comprising:

a switch (figs. 1-7) having an actuator 18 attached to a base 33, the actuator having a first and a second switch position;

a housing 30 defining an opening (by 18a);

a control member 12;

a pivot member 13 (comprising of 13 and 13a), where extension on the housing is received by the pivot member 13; and

a contact member 20 extending from the control member 12 (fig. 6), where the movement of the control member moves the contact member between the first and second switch position.

Regarding the pivot member, Rothbauer et al. teaches the claimed invention except for the control member having an extension received by a socket on the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the

Art Unit: 2832

housing with an extension for a pivot member, since it has been held that rearranging parts of an invention involves only skilled in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 4, Rothbauer et al. discloses a pair of pivot member.

Regarding claim 7, locking tab 18e locks the switch to the housing.

Regarding claim 9, the switch comprises a rocker switch.

Regarding claims 11 and 12, the pivot member locks onto the housing.

4. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothbauer et al. in view of Sommer (5,213,204).

Rothbauer et al. teaches the claimed invention except for the switch being either a toggle or a push button switch. Sommer teaches a switch controller assembly having a controller member actuating a push button switch (fig. 2) instead of the rocker switch. Since because the switches disclosed are art-recognized equivalent, one ordinary skill in the art would have found it obvious to employ one switch style for the other.

Regarding claim 10, same reason applies for the toggle switch.

5. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothbauer et al. in view of Osika (4,230,917).

Rothbauer et al. teaches the claimed invention except for the contact member having a sleeve for receiving a toggle switch. Osika teaches a switch controller assembly having a contact member 41 having a sleeve 42 (fig. 2) for the purpose of mechanically holding an actuator in place. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the contact member of Rothbauer et al. with a sleeve as taught by Osika, since the

Art Unit: 2832

sleeves of Osika would provide the contact member of Rothbauer et al. with means for mechanically holding the actuator.

Regarding claims 17-20, actuating steps claimed are deemed obvious in view of the functions of the structure in the combination discussed above.

Allowable Subject Matter

6. Claims 2, 3, 5-6 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2, 5 or 15, in its entirety is neither disclosed nor suggested by the prior art of record.

Claim 3 depends on claim 2. Claim 6 depends on claim 5.

Conclusion

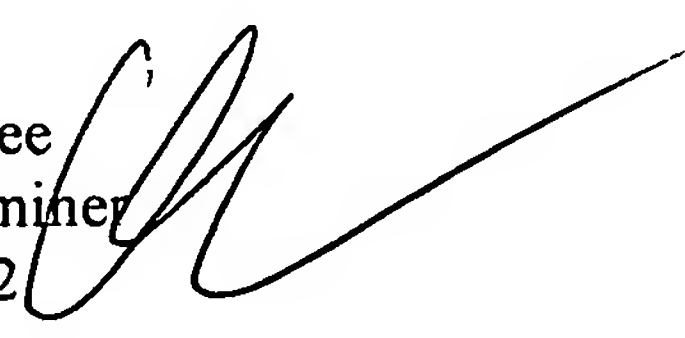
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard K. Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on M-TH 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2832

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard K. Lee
Primary Examiner
Art Unit 2832



12/23/04
